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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,160	07/10/2000	Chang-Hoi Koo	678-515(P9466)	9210
28249	7590	04/17/2006		EXAMINER
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/613,160	KOO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Steven Blount	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 February 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 - 20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 8, 12 – 17, and 18 - 20 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 6,643,813 to Johansson et al in view of U.S. patent 6,236,646 to Beming et al.

With regard to claims 1 and 20, Johansson et al teach, in a CDMA system, communication between a base station and a mobile station, wherein when a message is generated in the base station, there is a response requirement by the mobile to the said generated message on a reverse channel. See col 4 lines 35+, and col 6 lines 50+. Johansson et al does not, however, teach designating a reverse channel for the response message, wherein the reverse channel is designated by including parameters including a reverse channel indicator message and an action time, said parameters being sent along with the said generated message.

Beming et al teaches, also in a CDMA system (col 1 lines 19+), designating a reverse channel for the response message. It is noted that action time is taught in col 3 lines 38 to 55, and col 4 lines 40+. Also included with the action time are designation parameters including the spreading factor (col 3 line 50) and spreading code (col 3, line

35). These are both transmitted to the mobile. Further, the response message transmitted by the mobile is transmitted on the reverse common channel. Beming identifies the purpose for designating a reverse channel as to prevent interference among the different mobile users transmitting on the reverse channel. See col 1 lines 35+.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the base station in Johansson et al send, along with the polling message, a message to the mobile indicating the action time for the reply and the reverse channel indicator, in light of the teachings of Beming, in order to prevent interference among the mobile users transmitting on the reverse common channel.

With regard to claim 4, note that the polling message is a status request message.

With regard to claim 8, see the discussion of the transmitted spreading code (col 3 lines 35 and 50 as mentioned above).

With regard to claims 12 – 13, see the above, including the code discussion, and also note the discussion of the transmitter and receiver in column 6 lines 1+ of Johansson et al where the packets are processed as discussed in col 6 lines 40+.

With regard to claim 14, see the discussion above, and note the use of a radio link control protocol layer in col 5 lines 22+ of Johansson et al.

With regard to claim 15, see the rejection of claim 14, and see also col 4 lines 40+ of Johansson et al.

With regard to claim 16, see the above, and the radio resources control layer mentioned in col 5 lines 15+ of Johannson et al.

With regard to claim 17, see the rejection of claims 14 – 16 above, where each of the claimed features is discussed, and also note the discussion of spreading code above.

With regard to claim 18, see the discussion of the MAC in col 4 lines 65+ of Johannson et al.

With regard to claim 19, again see the discussion of the MAC layer in col 4 lines 65+ of Johannson et al, and also the discussion of spreading code in col 3 line 35 of Beming et al.

3. Claims 2 – 3, 5 – 7, and 9 – 11 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 6,643,813 to Johansson et al in view of U.S. patent 6,236,646 to Beming et al as applied to claims 1, 4, 8, 12 – 17, and 18 - 20, and further in view of U.S. patent 6,091,717 to Honkasalo.

With regard to claim 2, Johannson et al / Beming et al teach the invention as described above, but do not teach sending the power control channel or data rate information on the downlink channel to the mobile with the designation time.

Honkasalo et al also teach sending information on a downlink channel including access time for access to a reverse channel. See col 2 lines 30+, and also col 3 lines 8+. Honkasalo further teaches sending power control information (col 9, lines 5+) and data rate information (col 3 lines 20+).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to have sent power and data rate information on the downlink channel of Johansson et al / Beming et al, in light of the teachings of Honkasalo et al, in order to provide a means for further controlling use of the reverse access channel.

With regard to claim 3, see col 3, line 3 of Honkasalo (ESN).

With regard to claim 5, see col 3 lines 25+ of Honkasalo (maximum time, as it relates to the second to last line of this claim). See also line 47.

With regard to claim 6, see the discussion of claim 2 above and note that it would be obvious to make the transmission rate of the response message controlled based on the common power control channel.

With regard to claim 7, see col 3 line 3 of Honkasalo (ESN).

With regard to claim 9, see the rejection of claims 2 and 6 above.

With regard to claim 10, see the rejection of claim 7.

With regard to claim 11, see the rejection of claim 8, and the discussion of power control and data rate in Honkasalo.

4: The examiner respectfully disagrees with the applicants arguments.

In Beming, a reverse common channel is "designated" in that the uplink traffic does not originally have a scheduled time for access. Applicant has characterized the definition of a reverse common channel as being time related, as stated in page 2 of the specification: "If more than one of the mobiles attempt a call on a common channel at the same time, contention occurs." Applicant states that Beming is different, because Beming states in col 19 – 31 (related art section) that each mobile has its own uplink

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codes. The examiner notes, however, that this is true even in applicants claimed invention, since a CDMA system is claimed. Also, the channel described in associated lines 34+ of Beming is, by applicants own definition (see above), a common channel. See lines 36+: "the traffic tends to be bursting in nature and it is difficult to predict service access." The examiner finally notes that the scheduling taught in Beming converts a common channel into a dedicated channel in the same manner as applicant does.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571 - 272 - 3071. The examiner can normally be reached on M-F 9:00 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached on 571 - 272 - 3042. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DORIS H. TO  
SUPERVISORY PATENT EXAMINER  
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04/11/2006